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REMARKS

Presently, the Examiner rejects independent claim 19 as obvious in view of a combination between Baugh USP 4,067,062 with Thuse USP 4,019,579. This rejection is respectfully traversed.

The Examiner has correctly stated that Baugh has no selectively actuatable seal by the mandrel as indicated in claim 19. However, what the Examiner does not point out is that Baugh has a fixed seal 109 that sits in a groove 108 and is not actuatable with respect to the assembly R that the Examiner considers a mandrel assembly. Neither is a second seal 112 that rests on a shoulder 40. Baugh is a tubing hanger that doesn't envision a procedure like cementing after the tubular string is landed. For that reason an interference seal such as 109 which is not selectively actuatable is used that seals off on landing his tubing string inside the casing.

Thuse is a casing hanger. A casing hanger needs an actuatable seal because the tubular string of casing that is run into a surrounding casing still has to be cemented through a gap between the tubulars. The seal in Thuse is actuated after cementing. So while actuatable seals exist, one of ordinary skill in the art would not look to Thuse to modify Baugh as tubing hangers don't normally use actuatable seals to perform their intended function and there would be no motivation to provide such designs with actuatable seals. For that reason these references teach away from each other.

There is no basis for combining a reference such as Thuse with Baugh as they teach away from each other. While Thuse can actuate his seal 118 he does so in a context of an extremely complex device involving planetary gears and a sun gear interacting with a ball screw. Baugh simply teaches away from Thuse with a fixed seal. The seal of Baugh is part of an assembly even more complex than Thuse. It is the remotest task from the obvious to attempt to meld the complexity of Thuse gear and ball screw system into Baugh. Beside that, there is no suggestion for that combination in that the Baugh seal is fixed. Baugh has no use for an actuatable seal and would require a complete redesign to incorporate the actuation system of Thuse into it to get an actuatable seal that Baugh never even thought about when making his

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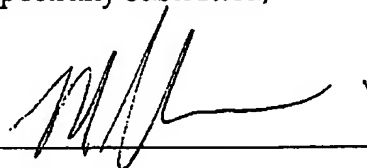
invention. In reality, the undeniable complexity of these two references would have clearly driven a person of ordinary skill to immediately pass on any consideration of combining their teachings not only because they teach away from each other but also that forcing their conceptual teachings to merge to get what is claimed in claim 19 would be even more difficult a design task than simply creating a new design. The present applicants have created this new design and captured it in claim 19. There is nothing obvious about this invention in the context of the cited art.

While the same language and the above argument also applies to claim 26 since it has in part similar language to claim 19, there is another difference with regard to claim 26.

Claim 26 also indicates that the gripping member is initially engaged to the tubular member for delivery to a supported position with the surrounding tubular all without rotation. It is possible the Examiner read this portion of the claim differently or may have overlooked it. Baugh requires rotation of the running tool R and the tubing hanger T after they are run into the production riser 209 (column 7 line 62 to column 8 line 2). The rotation is to get the orienting lug 214 into slot 34. After that rotation happens, then the tubing hanger that is attached to the tubular string, is seated on the seat 41 of the casing hanger C. In contrast to this, claim 26 has no mandrel rotation to the point of support in the surrounding tubular, a feature not possible in Baugh. Since Baugh requires rotation before support the tubular string, his invention is not operable with reeled drill pipe that is incapable of transmission of torque. Claim 26 is additionally not obvious for this reason.

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Respectfully submitted,



Manish Vyas
Reg. No. 54,516
(713) 939-2343

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CORRESPONDENCE ADDRESS

Cooper Cameron, Patent Services
PO Box 1212
Houston, TX 77251-1212